HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.5561 OF 2007

Between:

B. Venkateswara Reddy …Petitioner

AND

M/s. ITC Bhadrachalam Paper Board Ltd.,
Sarapaka, Khammam District,
represented by its Managing Director
and another. ...Respondents

: O R D E R :

Counsel for the petitioner : Sri R.N. Hemendranath Reddy

20th March, 2007

Per G.S.SINGHVI, C.J.

Apprehending that the ground water of his village – Nagineniprolu (Reddypalem), Burgampadu Mandal will be contaminated by the tapping points installed by M/s. ITC Bhadrachalam Paper Board Ltd. (respondent No.1) within 1 k.m. from the village, the petitioner has filed this petition under Article 226 of the Constitution and prayed for issue of a direction to the Andhra Pradesh Pollution Control Board (for short, 'the Board') (respondent No.2) to close the tapping points and restrain respondent No.1 from letting out treated effluent water through the tapping points installed within 1 k.m. from the village.

The petitioner owns agricultural land measuring Ac.8.00 in Survey No.332 of Nagineniprolu (Reddypalem) Village. He along with one Anki Reddy filed Writ Petition No.12193 of 2003 for restraining respondent Nos.1 and 2 from executing the project/scheme of laying pipeline through the village for carrying treated effluents, which were to be used for irrigating 1000 acres of land in two phases. The same was disposed of by the learned Single Judge by recording the statement of the Standing Counsel for the Board that no tapping point shall be provided within 1 k.m. from the village.

The grievance of the petitioner is that in complete disregard of the undertaking given before the Court, respondent No.1 installed 9 to 10 tapping points within 1 k.m. from the village; that some of the tapping points are within 300 meters of the village, and that despite representations, respondent No.2 has not taken steps for removing the tapping points and there is every possibility of contamination of ground water of the village. In paragraphs 6 and 8 of his affidavit, the petitioner has averred as under:

"6. I submit that many villagers of our village including me made several representations to respondents 1 and 2 explaining our grievances about possible contamination of ground water in the village due to opening of tap points near the village.

8. I submit that though tapings are provided, so far the water is not being let out from the said tapings and we came to know that the 1st respondent is all set to let out the water from the said tapings at any moment. I submit that if the respondents are not restrained from using the tapings provided within one kilo meter from Nagineniprolu (Reddypalem) village pending disposal of the above W.P., we would be put to irreparable harm and hardship and there is likelihood of contamination of our bore well water which is being used for drinking by our family members."

We have heard learned counsel for the petitioner and perused the record. Although in paragraph 6 of his affidavit, the petitioner has made a mention of the representations made by him and other villagers to respondent Nos.1 and 2 expressing their apprehension about the possible contamination of ground water of the village due to opening of tapping points near the village, but copy of none of the representation has been produced before the Court. The petitioner has also not produced any other document to substantiate his assertion that respondent No.1 has installed 9 to 10 tapping points within 1 k.m. from the village and that water is going to be released through those points. Therefore, the bald assertion contained in paragraph 8 of the affidavit cannot be made basis for entertaining the writ petition.

With the above observation, the writ petition is dismissed. However, liberty is given to the petitioner to submit a copy of this writ petition to the Secretary of the Board, who should then take notice of the grievance made by the petitioner and ensure that respondent No.1

is not able to operate the pipeline in violation of the undertaking given before the Court in Writ Petition No.12193 of 2003. It is expected that the concerned authority of the Board will take necessary action within one month of the receipt of the copy of the writ petition.

If the petitioner's grievance is not redressed by the Board, then he shall be free to institute fresh petition.

As a sequel to dismissal of the writ petition, WPMP.No.7086 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, C.J.

20th March, 2007

C.V. NAGARJUNA REDDY, J.

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